

U.S. Environmental Protection Agency SEP 10 2012
and
Oregon Department of Environmental Quality OFFICE OF
National Priorities List Deferral Agreement ENVIRONMENTAL CLEANUP
Astoria Marine Construction Company Site, Astoria, Oregon

I. PURPOSE

The U.S. Environmental Protection Agency, Region 10, conducted a preliminary assessment and site investigation at the Astoria Marine Construction Company facility located in Astoria, Oregon, CERCLIS ID # OR0002392793, and determined that it qualifies for placement on the National Priorities List. In March 2011, the EPA proposed the Site to the NPL.

Clatsop County officials, along with members of the Oregon Legislature and the U.S. Senate, in a series of meetings conducted in 2011 and in letters to the EPA in November 2011 and January 2012 (Attachments A and B), requested that the EPA defer final listing of the Site on the NPL while the Oregon Department of Environmental Quality oversees response actions under state authority. In October 2011, EPA Region 10 outlined certain criteria that the Astoria Marine Construction Company and DEQ would need to satisfy in order for the EPA to consider a deferral of the Site (Attachment C).

Based on AMCCO and DEQ meeting the deferral criteria, the EPA is deferring the final listing of the Site on the NPL while DEQ completes necessary investigations and response actions at the Site. Once the required response actions at the Site are successfully completed, it is expected that the EPA will have no further interest in considering the Site for listing, unless there is a release or potential for release that poses an imminent threat to human health or the environment. In addition, when response actions are completed, the Site will be removed from the Comprehensive Environmental Response, Compensation, and Liability Information System.

This agreement describes the steps the Oregon Department of Environmental Quality will take to ensure that adequate response actions are completed at the Site, which contains contaminated upland soils and inter-tidal and submerged sediments.

II. IMPLEMENTATION

- A. State Program – DEQ is authorized under state law to implement a hazardous waste cleanup program which should ensure that response actions at the Site are carried out and that these actions are protective of human health and the environment. Furthermore, DEQ has sufficient capabilities, resources, expertise and authorities to ensure that a CERCLA-protective cleanup¹ is conducted and to coordinate with the EPA, Tribal governments, other interested agencies and the public on different phases of implementation.

¹ The term CERCLA-protective cleanup is defined in OSWER Directive 9375.6-11, *Guidance on Deferral of NPL Listing Determinations While States Oversee Response Actions* (May 3, 1995), and further explained with respect to this deferral action in the letter from Daniel D. Opalski, Director of EPA Region 10 Office of Environmental Cleanup, to Nina DeConcini, DEQ Northwest Regional Administrator (Oct. 26, 2011) (Attachment C).

- B. Site Eligibility – The State of Oregon has expressed interest in having the Site listing deferred and in DEQ overseeing the response at the Site under state law. DEQ agrees to pursue response actions at the Site in a timely manner. The EPA and DEQ agree that a deferral should address the Site sooner than, and at least as quickly as EPA would expect to respond.

The Site is included in the CERCLIS inventory and has been assessed and scored for listing on the NPL. The State will not request, nor utilize, Federal trust fund money to implement any portion of the actions required by this Agreement.

- C. Community Acceptance – DEQ provided outreach to the affected community in a letter dated April 20, 2012. DEQ explained to the community the differences between a response action under state law pursuant to the terms of the proposed Deferral Agreement and a response conducted under the National Contingency Plan and requested feedback from the community. DEQ documented this outreach to the EPA and presented the results of the feedback it received from the community. The response from the community was largely supportive of EPA deferring the Site to DEQ oversight, and was documented in a letter to the EPA dated May 30, 2012 (Attachment D).
- D. Cleanup Levels – DEQ will pursue a CERCLA-protective cleanup of the Site that will be substantially similar to a CERCLA response. The response action will be protective of human health and the environment, as generally defined for individual human exposure by an acceptable risk level for carcinogens between 10^{-4} and 10^{-6} (using 10^{-6} risk level as the point of departure for determining remediation goals for alternatives) and for non-carcinogens a Hazard Index of 1 or less, and no significant adverse impacts to ecological receptors. The response action(s) will also treat hot spots of contamination to the extent feasible. DEQ will give preference to solutions that will be reliable over the long term. In addition, DEQ will ensure that any remedy selected at the Site will comply with all applicable or relevant and appropriate² federal requirements and more stringent applicable or relevant and appropriate State requirements to the maximum extent practicable under DEQ's state authorities.

Soils, sediments, air, surface and groundwater will be investigated and assessed as part of the comprehensive risk assessment conducted at the AMCC site. The comprehensive risk assessment will include an assessment of potential dioxin contamination at the site, as well as the consideration of potential exposure pathways to residents and sensitive populations that might exist in and around Jeffers Slough as it winds south and west of the industrial property and into residential areas. The EPA anticipates that the CERCLA-protective remedy includes the recognition that groundwaters of the United States are valued natural resources, and that response actions will ensure the remedies are protective by restoring contaminated groundwater to beneficial uses.

- E. Natural Resources Trustees– DEQ will promptly notify the appropriate state and federal trustees for natural resources of discharges and releases at the Site that are injuring or

² The phrase “applicable or relevant and appropriate requirements” shall be defined by reference to Section 121 of CERCLA, 42 U.S.C. § 9621, the National Contingency Plan (see 40 C.F.R. § 300.5 definitions of “applicable requirements” and “relevant and appropriate requirements”), and applicable EPA Guidance.

may injure natural resources, and include the trustees, as appropriate, in activities at the Site. The State shall, consistent with CERCLA and the NCP, seek to coordinate necessary assessments, evaluations, investigations, and planning with State, Tribal and Federal trustees.

- F. Tribal Participation – DEQ has entered into and follow the terms of Memorandums of Understanding with all Tribal governments that have elected to participate in the response actions. Furthermore, DEQ will support efforts to fund Tribal governments at levels that allow substantive participation in response actions performed under this Agreement.

III. PROCEDURAL REQUIREMENTS

- A. Roles and Responsibilities – DEQ has responsibility, with minimal EPA involvement, to provide for a timely CERCLA-protective cleanup under state authority and to support the public's right of participation in the decision-making process. The EPA's role will generally be limited to review of DEQ semi-annual and annual reports and consultation on the proposed remedy. However, the EPA may request reports, data, or other documentation related to the remedial activities at the Site, as it deems appropriate, or arrange for DEQ to provide certain draft documents for EPA review as they are prepared. The EPA will not provide financial assistance for site activities to the State, Tribes or the community during a deferral.

In the event that community members or Tribal governments request that EPA reconsider deferral of the Site or request EPA's intervention in response actions, EPA will meet with DEQ to discuss the community and/or Tribal government concerns and to review the response actions in light of this Agreement, the Tribal MOUs, and EPA's NPL Deferral Guidance, and make a decision regarding whether terminating the deferral is warranted.

- B. Schedule for Performance – A proposed schedule of events for the Site cleanup is set forth in the following table. The dates in the table are subject to change. EPA shall be notified of a change in Target Completion Date as soon as DEQ becomes aware that such a change is necessary or unavoidable.

Task	Target Completion Date
Complete Phase I Remedial Investigation	June 2013
Prepare Removal Work Plan (if needed)	August 2013
Complete additional Remedial Investigation (if needed)	September 2013
Complete Human Health and Ecological Risk Assessment	October 2013
Complete Feasibility Study	December 2013
Proposed Remedial Action Public Comment Period	January-February 2014
Record of Decision	April 2014
Remedial Design	May-July 2014
Implement Remedial Action	August-October 2014

- C. Documentation Submissions to EPA – DEQ will make available all Site data, reports, and other documentation to the EPA upon request.

- D. DEQ Reporting to EPA – DEQ will provide management briefings to the EPA at least annually on whether the conditions in this Agreement are being met and the progress in the investigation, assessment and response actions. In addition, DEQ will report to the EPA at least semi-annually on any difficulties that it is having meeting the conditions of this Agreement. Following the submission of a report required or requested, the EPA may request a briefing or meeting with DEQ to discuss the report(s).
- E. Proposed Remedial Action – DEQ will brief the EPA on the proposed remedial action (Draft Record of Decision Staff Report) before and after soliciting public comment.

IV. COMMUNITY PARTICIPATION

DEQ will ensure public involvement that is substantially similar to the intent of the National Contingency Plan, in accordance with the Community Involvement Plan finalized for the Site by DEQ in July 2012 (Attachment E). DEQ will ensure the following actions are undertaken:

- A. Site files will be maintained at the DEQ project manager's office.
- B. Site related documents will be available at one or more locations near the Site.
- C. Site-related information will be provided to community groups.
- D. Through the Community Involvement Plan or other agreement with AMCCO, the affected community will be able to acquire technical assistance in interpreting information with regard to the nature of the hazard, investigations, and studies conducted, and implementation decisions at the Site.

V. COMPLETION OF STATE RESPONSE ACTION

Certification and Confirmation – Once DEQ considers the response action at the Site to be complete, it will certify to the EPA, the Tribal Governments with which it has MOUs, and the affected community that the remedy has been successfully completed and intended cleanup levels achieved. As part of the certification, DEQ will submit for EPA review a response action completion documentation substantially similar to that described in the June 1992 OSWER Direct "Remedial Action Report; Documentation for Operable Unit Completion" (OSWER Directive 9355.0-39FS).

The EPA will review the certification and supporting information, and may choose to initiate a deferral completion inquiry to confirm the certification. The EPA will work with DEQ to address any data deficiencies hindering the confirmation and agree to a time frame for completion of the inquiry. If the response at the Site is confirmed as complete, the Site will not be further evaluated for NPL listing unless the EPA receives information of a release or potential release at the site which poses a significant threat to human health or the environment. Upon completion of response actions and confirmation by the EPA, the Site will be removed from CERCLIS.


VI. AGREEMENT TERMINATION AND MODIFICATION

The EPA may terminate this Deferral Agreement at any time after providing 30 days notice to DEQ. This Deferral Agreement may be terminated if the response is not CERCLA-protective, is unreasonably delayed, inconsistent with this Deferral Agreement, does not adequately address the concerns of the affected community or Tribal governments with whom DEQ has MOUs, or for other appropriate reasons, such as the State's inability to enforce compliance or the absence of appropriate funding to complete the response action. DEQ may also choose at any time, after 30 days notice to the EPA, to terminate this Deferral Agreement for any reason. During any 30-day notice period required by this paragraph, EPA and DEQ agree to meet to discuss the decision to terminate this Deferral Agreement.

Upon termination of this Deferral Agreement, the EPA will consider taking any necessary response actions including initiating the rulemaking process to formally list the Site on the NPL. EPA and DEQ will coordinate efforts to notify the community of the termination of the deferral or this Agreement. These actions will assure the public that the EPA will continue to respond at the Site. At EPA's request, DEQ will provide to the EPA all information in its possession regarding the Site to the extent permitted by State law.

This Deferral Agreement adheres to EPA's "Guidance of Deferral of NPL Listing Determinations While State's Oversee Response Actions" dated May 3, 1995. Furthermore, this Deferral Agreement may be modified at any time upon agreement of both parties. Notwithstanding any provision of this Deferral Agreement, EPA and DEQ retain their respective authorities and reserve all rights to take any and all response actions authorized by law.

VII. AGREEMENT APPROVALS



Nina DeConcini
DEQ Northwest Region Administrator
Oregon Department of Environmental Quality

September 7, 2012

Date



Daniel D. Opalski, Director
Office of Environmental Cleanup
Environmental Protection Agency, Region 10

9/10/2012

Date

ATTACHMENTS

- A. November 30, 2011 letter from U.S. Senators Ron Wyden and Jeff Merkley to EPA Region 10.
- B. January 12, 2012 letter from Clatsop County Board of Commissioners to Dan Opalski of EPA Region 10.
- C. October 26, 2011 letter from EPA Region 10 to DEQ Northwest Region Administrator outlining NPL Deferral requirements.
- D. May 30, 2012 letter from DEQ to EPA Region 10 summarizing Community Acceptance response.
- E. July 2012 DEQ Community Involvement Plan for Astoria Marine Construction Company Site.

United States Senate
WASHINGTON, DC 20510

November 30, 2011

Dennis J. McLerran
EPA Region 10 Administrator
1200 Sixth Avenue, Suite 900
Seattle, WA 98101

Dear Mr. McLerran:

We are writing to ask your assistance relating to the potential for cleanup of the Astoria Marine Construction Company (AMCC) site. As you know a large group of community and state leaders, along with the business owner have been engaged for more than a year discussing a variety of issues associated with cleaning up the site and finding the appropriate responsible parties. There have been a number of discussions about whether listing the AMCC site on the Superfund National Priorities List (NPL) will assist in this cleanup. In your letter of October 26, 2011, to the Oregon Department of Environmental Quality (DEQ), you indicate that funding certainty to complete the remedial investigation and feasibility study (RI/FS) must be obtained by December 1, 2011. Because the AMCC is diligently searching many past and potentially out-of-date insurance policies, we ask that you extend that date, at the very least, until February, 2012. This period of time will allow the Oregon DEQ, the AMCC, and the County to determine if there are any yet to be determined insurance policies to assist in that effort. Providing an extra few months will still enable the EPA to make a decision related to a listing on the NPL by March 2012.

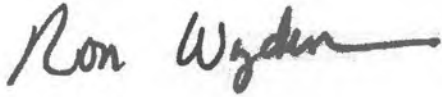
We encourage the EPA to work as closely as possible with Clatsop County, AMCC, and the State of Oregon to ensure the greatest amount of local involvement in determining an approach to cleaning up the site. Providing the community with a specific explanation regarding the process for apportioning cleanup will have the added benefit of ensuring that EPA will work collaboratively with the community towards cleaning up the Lower Columbia. We would also ask that the EPA use every available authority to work with the Department of Defense to determine the responsibility for this cleanup of the United States Navy, for whom AMCC performed extensive boat maintenance work.

And as a final note, we want to voice our concern that the AMCC is a small, family owned business that has consistently provided jobs in a very low income area. The owner does not have the financial capacity to sign an agreement with either the EPA or the Oregon DEQ to commit to financing the RI/FS.

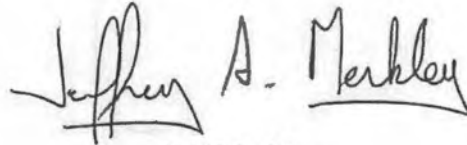
We urge you to take the current economic climate and the limited resources of the company into consideration as you move forward with your decision. Every available effort made to sustain the normal operations of this important employer in Astoria is appreciated.

Please keep our offices informed of your decision.

Sincerely,

A handwritten signature in black ink that reads "Ron Wyden". The signature is fluid and cursive, with a long horizontal stroke at the end.

Ron Wyden
United States Senator

A handwritten signature in black ink that reads "Jeff A. Merkley". The signature is cursive, with "Jeff" and "Merkley" being more prominent than the middle initial "A.".

Jeff Merkley
United States Senator



Clatsop County

Board of Commissioners

800 Exchange St., Suite 410
Astoria, Oregon 97103
www.co.clatsop.or.us

Phone (503) 325-1000
Fax (503) 325-8325

January 25, 2012

Daniel D. Opalski, Director
Region 10, United States Environmental Protection Agency
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

Subject: NPL Listing of the Astoria Marine Construction Company (EPA-HQ-SFUND-2011-0075)

Dear Mr. Opalski:

On behalf of the Clatsop County Board of County Commissioners, I am requesting an additional extension of time to consider the Superfund National Priorities List (NPL) of the Astoria Marine Construction Company (AMCC) site. The identification of possible insurance coverage on the site appears to offer funding to start the remedial investigation.

As outlined by Mr. Bowler on January 23, 2012, the Progressive Corporation has agreed by letter to assume the defense of Astoria Marine Construction Company in the claims related to the Astoria Harbor. Under Oregon law, the "defense" of the claim would include remedial investigation costs. We expect that Progressive will issue a more formal "reservation of rights" letter in the near future that will outline the policies on which Progressive is accepting the claim, as well as possibly providing additional information about other coverage. (Paraphrased for brevity.)

In the May 6, 2011 letter EPA indicated "the DEQ will need to ensure a reliable source of funding to accomplish the remedial investigation and feasibility study". It appears that a reliable source of funding may have been identified and that a listing at this time would be premature pending a complete understand of the status of insurance coverage.

We look forward to further collaboration and communication as this process continues.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Huhtala".

Peter Huhtala
Board Chair

Copy:

- Senator Ron Wyden
- Senator Jeff Merkley
- Jason Hitzert, Representative's Office
- State Senator Betsy Johnson
- State Representative Deborah Boone
- Nina Deconcini, DEQ
- Port of Astoria
- Tim Fastabend, AMCCO



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF
ENVIRONMENTAL
CLEANUP

OCT 26 2011

Nina DeConcini
Northwest Region Administrator
Oregon Department of Environmental Quality
2020 SW Fourth Avenue, Suite 400
Portland, Oregon 97201-4987

Re: Deferral Criteria for final NPL listing of the Astoria Marine Construction Company

Dear Ms. DeConcini:

In March of this year, the U.S. Environmental Protection Agency Region 10 proposed the Astoria Marine Construction Company site for inclusion on the Superfund National Priorities List. This action was supported by then-Governor Kulongoski in a letter dated September 21, 2010. In his letter of April 28, 2011, providing comments on the proposed listing, the Chair of the Clatsop County Board of Commissioners requested that the EPA delay making a final decision on listing the site to the NPL. While the Board of Commissioners supported cleanup of the site, the Board also expressed concern regarding the potential impacts to AMCC's viability and the services and jobs provided by the company. The Board expressed an interest in exploring other possible options for securing the cleanup of the site. In response, the EPA agreed to delay making a final listing decision until March 2012.

In a meeting between the EPA and the Oregon Department of Environmental Quality on August 10, 2011, the DEQ requested that the EPA provide criteria that EPA would evaluate to determine whether to defer the final listing of the AMCC site on the NPL while the DEQ oversees investigation and cleanup.

In determining whether to defer this site to the DEQ, certain conditions, as outlined in the EPA's guidance on *Deferral of NPL Listing Determinations while States Oversee Response Actions* (dated May 3, 1995) must be met. A copy of this guidance is enclosed for DEQ's reference. Informed by our experience where we have deferred other sites, this letter provides additional detail and clarification on a few of the key elements that will be considered by the EPA in determining whether a deferral is appropriate.

As stated in the May 1995 guidance, the purpose of deferral is to address sites more quickly than the EPA would otherwise address them. In order to achieve this purpose, the DEQ will need to ensure a reliable source of funding to accomplish the remedial investigation and feasibility study. The EPA understands that AMCC is currently seeking coverage determinations from its insurance carriers. AMCC will need to obtain a duty to defend determination, or an equivalent and reliable assurance of funding, to provide certainty that funding will be available to complete the RI/FS. Given the importance of a reliable funding source, AMCC should obtain a duty to defend determination or equivalent funding mechanism by December 1, 2011.

1. Assurance that a Comprehensive Environmental Response, Compensation, and Liability Act equivalent Remedial Investigation and Feasibility will be conducted at the AMCC site.

The RI/FS should define the severity and areal extent of contamination both on the site as well as the sediments adjacent to the site. The boundaries of the AMCC site will be determined by the extent of contamination with consideration of contaminant migration from the uplands to groundwater and to open waters. The RI/FS scope of work therefore should not be restricted to the area that was investigated under EPA's site investigation.

A CERCLA-equivalent RI/FS also will determine applicable or relevant and appropriate requirements; assess associated human health risks, including risks associated with subsistence consumption of seafood and ecological risks, especially in sensitive habitats and critical habitats of species protected by the Endangered Species Act; and evaluate remedial alternatives. Evaluation of remedial alternatives includes consideration of various remedial technologies that when implemented:

- are protective of human health and the environment;
- meet ARARs to the maximum extent practicable under DEQ's state authorities;
- treat/remove sources to the extent practicable, or otherwise contain sources; and
- are reliable over the long term,

A work plan, sampling and analysis plan, quality assurance/quality control plan and health and safety plan also will need to be prepared.

2. Assurances that the remedy selected for implementation at the AMCC site will be a CERCLA-protective cleanup and will be substantially similar to a CERCLA response.

The DEQ will need to demonstrate selection of a CERCLA-protective cleanup of the site that is substantially similar to a CERCLA response. To clarify the standard "substantially similar to a CERCLA response," the EPA expects that:

- DEQ will select a response action will be protective of human health and the environment, as generally defined by a 10^{-4} to a 10^{-6} risk range for carcinogens, a hazard index of 1 or less for non-carcinogens and an ecological risk above relevant screening level ecological risk values.
- DEQ will ensure that the remedy selected at the site will comply with all Federal ARARs and more stringent State ARAR requirements to the maximum extent practicable under DEQ's state authorities, controls or eliminates sources and is effective, cost-effective and reliable.
- DEQ will ensure that groundwater is restored to its highest beneficial use, to the extent practicable.

Although the guidance generally provides for an annual review by the EPA, the agencies may need to establish a protocol for more frequent communication and EPA involvement to address specific issues concerning CERCLA protectiveness. The EPA considers a CERCLA-protective cleanup to be one that meets federal and more stringent state ARARs. However, the EPA recognizes that if the site is deferred, it would be addressed under state authorities, which may give rise to questions concerning CERCLA protectiveness and differences between state and federal authorities. Such considerations would be particularly pertinent in a situation such as this where we may lack solid

assurances regarding the availability of funding for the remedial action and therefore, the distinct possibility that the site would be referred back to the EPA. For these reasons, if the EPA determines that the RI/FS is insufficient or the cleanup is not CERCLA-protective, EPA may exercise its authority to terminate the deferral agreement and list the site on the NPL.

When the DEQ believes that the remedy has been completed, the State shall certify to the Region and the affected community that the remedy meets the standards of a CERCLA-protective cleanup. As part of this certification, the State shall submit to the Region remedial action completion documentation similar to EPA's "Remedial Action Report" (OSWER Directive 9355.0-39FS).

3. Assurance that an appropriate enforcement mechanism will be in place during the investigation and potential cleanup of the AMCC site.

The EPA will need firm assurance that the necessary investigation and feasibility study will be completed without requiring federal Superfund program enforcement or funding. From discussions between the DEQ and the EPA to date, it is our understanding that DEQ is not committing from its own resources the funding to conduct the investigation and any necessary cleanup at the site. If this continues to be the case, a deferral agreement will require a signed, enforceable agreement between the DEQ and the responsible party(s) to conduct the RI/FS. Specifically, EPA would expect to be assured that the enforceable agreement(s) provides for the following:

- a. All necessary investigation work to characterize the full nature and extent of contamination will be completed in a timely manner;
- b. Work not funded by responsible parties will also be completed in a timely manner (or concurrent with work funded by responsible parties).
- c. The RI and FS work will result in timely preparation of proposed plans(s) and record(s) of decision.
- d. Final cleanup decision-making will rest with the DEQ.

Beyond the enforceable agreement, the DEQ will need to present a plan that clearly demonstrates how DEQ intends to complete the RI/FS should one or more of the parties become recalcitrant, fail to perform or withdraw from the agreement. The plan should detail the steps and a schedule for the implementation of enforcement actions, the identification of other available funding sources including state programs and a description of how funding would be requested from such sources, and an explanation of how and when the site would be referred back to the EPA for placement on the NPL in the event the RI/FS, proposed plan or record of decision cannot be completed under the deferral.

Should a decision be made that a remedial and/or removal action is necessary, the EPA will need firm assurance that the DEQ and the responsible party have a signed, enforceable agreement to conduct the cleanup and future operation and maintenance of the site.

Note that the EPA may pursue recovery under its own authorities of the costs it has incurred related to the site.

4. Preservation of the rights of the Federal Natural Resource Trustees

At NPL sites, under the Superfund law, the EPA is required to coordinate assessments, investigations and planning with the Federal Natural Resource Trustees. If a site is listed on the NPL, the statute of limitations for the Trustees to file Natural Resource Damage Assessment claims runs for three years from the completion of remedial actions. However, under deferral the statute of limitations would be much sooner and it is unclear how the deferral agreement would affect the rights of the Trustees to recover natural resource damages. The EPA's interest is to protect the rights of its federal partners, and we have significant concerns that the deferral action may limit the Trustees' ability to be fully engaged in the cleanup investigations, planning and recovery natural resource damages, if appropriate. Therefore, if requested by the Trustees, AMCC must enter into an agreement tolling the applicable statute of limitations to enable full participation by the Trustees. This tolling agreement should be executed concurrent with a final deferral action. The EPA expects that the DEQ will facilitate the signing of this agreement and assure that the Trustee's role throughout the cleanup process will not be impaired. Any final deferral will be contingent upon a signed tolling agreement, if one is requested by the Trustees.

5. Assurance of support for Tribal involvement

The EPA has both a federal trust responsibility to Tribes and a government-to-government relationship with Tribes. This assures the Tribes that they will be consulted and have their viewpoints considered in any EPA activity that would affect them. To preserve tribal rights for involvement, the EPA would need assurances from DEQ that they would agree to develop a Memoranda of Understanding with any affected tribe that would describe their government-to-government relationship in the planning, investigation and cleanup process. Such an agreement may also require funding to the affected tribes, where appropriate, to ensure their full participation in the cleanup process.

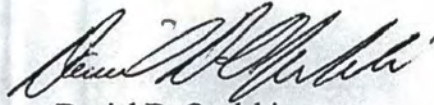
6. Assurance of support of community involvement

We know the DEQ shares our interest in ensuring meaningful community engagement in the site cleanup process. To help ensure informed community involvement at this site, we would expect the DEQ to develop a community involvement plan. Also, funding will need to be provided for community technical assistance (similar to EPA's Technical Assistance Grants). If the site is deferred, DEQ should have funding strategies in place to address this need.

I hope that this letter clarifies the EPA's needs in evaluating the potential deferral of NPL listing to DEQ response authorities. The EPA is committed to provide additional information about our deferral process, as needed. As we discussed, the EPA would need written assurance of the above elements no later than December 31, 2011, to defer a final listing of AMCC to the NPL. We would then expect to have in place no later than January 31, 2012, a written deferral agreement signed by the DEQ and the EPA incorporating these assurances, the other elements of the deferral guidance and a schedule for completion of the remedial investigation/feasibility study.

If you have any questions or comments, please feel free to contact me at 206-553-1855.

Sincerely,

A handwritten signature in dark ink, appearing to read "Daniel D. Opalski", written in a cursive style.

Daniel D. Opalski
Director

Enclosure

cc: Senator Betsy Johnson
Senator Jeff Merkley
Senator Ron Wyden
Representative Deborah Boone
Chuck Harman, DEQ, NW Region
Keith Johnson, DEQ, NW Region
Duane Cole, Clatsop County Board of Commissioners
Don Fastabend, AMCC
Tim Fastabend, AMCC



Oregon

John A. Kitzhaber, MD, Governor

Department of Environmental Quality
Northwest Region Portland Office
2020 SW 4th Avenue, Suite 400
Portland, OR 97201-4987
(503) 229-5263
Fax: (503) 229-6945
TTY: 711

May 30, 2012

Dan Opalski
Director, Office of Environmental Cleanup
U.S. Environmental Protection Agency, Region 10
1200 SW Sixth Ave., Suite 900
Seattle, WA 98101-3140

Subject: Astoria Marine Construction Company Community Acceptance Letter responses

Dear Mr. Opalski,

In April, the Oregon Department of Environmental Quality (DEQ) mailed 48 'Community Acceptance' letters to neighbors, local governments, and community stakeholders regarding the potential for the Environmental Protection Agency (EPA) to defer the Astoria Marine Construction Company (AMCCO) facility from placement on the National Priorities List (NPL) and allow site investigation and remediation to proceed under the direction of DEQ. These letters requested feedback from the Astoria and greater community on whether they supported the potential Deferral of the AMCCO site from the NPL.

DEQ requested feedback on Community Acceptance in order to meet EPA conditions for making a final NPL Deferral decision per your October 26, 2011 letter to DEQ, and Item 2.f of EPA's May 1995 NPL Deferral Guidance. The purpose of this letter is to inform you of the responses received by DEQ.

The 48 letters were mailed to the list of persons and organizations shown in Attachment A to this letter. A summary of the results –

- a. Five of the 48 letters were returned as undeliverable, all from private properties located near AMCCO.
- b. DEQ did not receive responses of any kind from 30 addressees.
- c. DEQ received 13 responses to the Community Acceptance letter.
- d. 10 of the responses supported a Deferral of the site from the NPL and oversight by DEQ.
- e. Two of the organizations informed DEQ that they did not plan to provide a response.
- f. One of the responses stated a preference that the site proceed to NPL listing.

Based on the responses received, DEQ has concluded that the majority of the community contacted is supportive of AMCCO being deferred from NPL listing.

As we have stated in prior meetings, DEQ is committed to involving the public in this project under a Deferral decision, and is preparing to send out our draft Community Involvement Plan as the next step in engaging the community and affected stakeholders.

DEQ looks forward to continuing to consult with EPA Region 10 in order to satisfy conditions that will allow a Deferral of the AMCCO site from the NPL to the state of Oregon for oversight of investigation and cleanup activities.

Sincerely,

A handwritten signature in cursive script that reads "Nina DeConcini".

Nina DeConcini,
DEQ Northwest Region Administrator

Attachment A – Summary table of letters sent and responses.

Cc: Tim Fastabend, AMCCO
Carson Bowler, Schwabe, Williamson & Wyatt
Dick Pedersen, DEQ Director
DEQ ECSI File #1898

KEY: NR - No response; RTS - letter came back with 'Return to Sender' (undeliverable); (v) - verbal response w/ letter coming (as of 5/30/12)



State of Oregon
Department of
Environmental
Quality

Community Involvement Plan Astoria Marine Construction Company Astoria, Oregon July 2012

Community involvement is an important part of the investigation and cleanup of contaminated properties. Understanding community priorities, issues and concerns can help the Oregon Department of Environmental Quality make better decisions about the cleanup and build connections to the communities we serve. DEQ takes seriously our vision: "To work collaboratively with all Oregonians for a healthy, sustainable environment."

Oregon DEQ's intent is to listen to and engage with the Astoria community, surrounding communities, and regional stakeholders to ensure that we consider their views as we guide the cleanup at the Astoria Marine Construction Company. This plan is our roadmap for ensuring that Astoria and regional stakeholders can effectively interact during the project.

Who are your DEQ primary contacts?

Chuck Harman, Project Manager – 503-229-5125; harman.charles@deq.state.or.us

Marcia Danab, Northwest Region Communications and Outreach – 503-229-6488;

danab.marcia@deq.state.or.us

Keith Johnson, Cleanup Section Manager – 503-229-6431; johnson.keith@deq.state.or.us

What you can find in this plan

How would you like to be involved?

Community Involvement Action Plan

Site History

What's going to happen next?

Further investigation is needed on the site to more fully define the environmental and health risks the site poses from historic releases of contaminants over its long history of ship building and refurbishing. DEQ is proceeding with developing an investigation and cleanup plan with Astoria Marine, with the assumption that site oversight will be deferred from the Federal cleanup program by EPA Region 10 to the State. DEQ will take on the oversight role for the project, guiding and approving work plans developed by Astoria Marine and their consultant.

At important stages of the project, DEQ will communicate with the community and key regional stakeholders to inform them of the proposed work, inform and educate them about that work, and allow them the opportunity to question, comment or make recommendations, before approving moving forward.

A brief history of the Astoria Marine Construction Company site operations and environmental issues.

Astoria Marine Construction Company was incorporated in 1926. In 1955, the Company had approximately 1,100 employees, but by 1960, the company had decreased in size to 15 employees due to a downturn in military ship building. Between 1926 and the 1940s, the Company manufactured and repaired wooden-hulled sail- and motor-powered fishing boats. During WW II, the facility was converted to build military craft such as wooden-hulled mine sweepers. In the 1960s, the Navy contract ended and

operations at the site consisted primarily of fishing and tow boat repair. In 1962, due to the reduction in business, the owner, Joe Dyer, decided to sell the company. At that time 15 employees, including Don Fastabend, bought the company from Joe Dyer. After 1985, Astoria Marine began working primarily on fishing boats. Over time, Don Fastabend bought out other partners and is now the sole owner.

Until 1989, the company used copper-based paints containing organotins, notably tributyl tin, known as TBT. TBT is used as an anti-fouling agent to keep grass, marine organisms, and barnacles off boat bottoms. TBT is known to be toxic to marine organisms. In approximately 1989, it became illegal to use paints containing this compound, except for larger vessels, primarily based on effects observed in shellfish and marine snails in harbors contaminated by TBT.

In 1996, DEQ received a complaint describing poor waste management practices, including storage of hull sand-blasting grit. Subsequent inspections verified certain aspects of the complaints and the Company took actions to remove significant amounts of the sand blast grit. In 2009, the Environmental Protection Agency, through a contractor, completed a Site Inspection investigation that collected soil, groundwater and Lewis and Clark River sediments. The sampling results show elevated concentrations of several metals and several man-made compounds at levels that pose human health and ecological threats. In 2011, EPA moved to place Astoria Marine Construction Company on the National Priorities List, but in 2012, placed the listing on hold in order to allow DEQ and the Company to work out a plan that would allow the deferral of cleanup oversight to occur under Oregon guidance.

The Oregon Department of Environmental Quality is developing this plan in collaboration with Astoria Marine, members of the community, local stakeholders, Tribes and other state and federal agencies who are interested in the site.

If you have questions about the project, this community involvement plan, or would like additional information please contact Marcia or Chuck

How would you like to be involved?

There are many different ways you can be involved in the Astoria Marine Construction Company investigation and cleanup. In this plan we have identified activities to respond to three primary types of community involvement needs.

- **Staying informed** – A community member or stakeholder would like to stay informed about the cleanup through mailings, website and news articles.
- **Actively participating** – A community member or stakeholder would like to participate in a Community Advisory Group. This group could review draft documents, interact with the Department of Environmental Quality project manager, site owner (or representative) and consultants in order to make sure the decision-making process fully incorporates the concerns of the community.

Cleanup Process and Lines of Communication

A cleanup project usually follows a sequence of an investigation, analysis of investigation results, and review of possible actions that will clean up contamination that is determined to pose a risk to human health and the environment. These steps can sometimes be complex and costly to implement. At significant milestones in the investigation and review of cleanup options, DEQ will prepare materials to present to the public and other stakeholders before finalizing decisions.

Below is a brief summary of the steps typically involved when completing a cleanup:

- A. **Remedial Investigation** – This investigation will be very thorough and is intended to collect enough data so that DEQ can analyze all possible human health and ecological risks. This

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typically entails sampling of soils, groundwater, surface water, and sediments, and can also include analysis of air or subsurface vapors.

- B. Risk Assessment – Once sufficient data has been collected, an analysis of the expected exposure risks, both human health (for instance, exposure through drinking water) and ecological (for instance, direct toxicity to sediment-dwelling organisms) is completed. This step in the process refines the actual extent of contamination in different media (soil, groundwater, air, surface water and sediments) that actually poses a risk.
- C. Feasibility Study – The Feasibility Study proposes a range of possible remedial actions that will eliminate the risk posed by the contamination. The Feasibility Study presents alternatives that must be protective (eliminate unacceptable health risk), and also weighs several other factors such as the ability to implement the proposed remedy, the cost of the cleanup and the reliability of the cleanup over the long term.
- D. Record of Decision – After considering the alternatives presented in the Feasibility Study, DEQ will then select one of the alternatives in a report called a Record of Decision. The Record of Decision can select a mix of several proposed remedial alternatives. Before finalizing the Record of Decision, DEQ will seek formal public comment.
- E. Remedial Action – Once the cleanup plans are finalized, the responsible party will then perform the work. At the conclusion of the remedial actions, and review by DEQ, a Certificate of Completion is issued, verifying that all the cleanup goals identified in the Record of Decision were met.
- F. Operation, Maintenance and Monitoring – Following completion of the remedy, and depending on the nature of the remedies implemented, there are usually requirements for maintaining elements of the remedy by monitoring for a specific period of time to ensure that the remedy is working as intended.

Attachment A to this Plan provides a more detailed, but still summary-level outline of the process and opportunities for updating and involving the community during the work that will proceed on the site.

DEQ fully intends to communicate and consult the public and stakeholders prior to and during these stages of the cleanup at the Astoria Marine Construction Company. DEQ will work to inform the public in a manner that is understandable and approachable. At each key stage, DEQ will consider the public's and stakeholder's comments on the plans and proposals and incorporate them appropriately into our decision making. DEQ is seeking input on how members of the community would like to be informed and involved.

DEQ will consider each comment we receive, and will attempt to address all input and requests that we receive, in a manner that is consistent with Oregon cleanup laws and other applicable federal and state regulations.

Community Demographics

Astoria has a population of 9,737; a land area of 6.16 square miles; a water area of 3.95 square miles; and a population density of 1,581.97 people per square mile according to the US Census Bureau estimate of July 1, 2009.

Initial List of Possible Organizations, Stakeholders and Community members

The list below represents the initial governments, organizations, Tribes or individuals that DEQ would regularly communicate with and involve at key points in the project. However, DEQ recognizes that additional community members or organizations may also want to be involved and informed on the project and we will include them.

Community and Local Government:

1. City of Astoria Government
2. City of Warrenton Government
3. Clatsop County Government – Board of Commissioners
4. Clatsop County Diking District No. 5
5. Clatsop Community College
6. Tillamook County Government – Board of Commissioners
7. Columbia River Estuary Study Task Force (CREST)
8. North Coast Watershed Association (NCWA)
9. Lower Columbia River Estuary Partnership (LCREP)
10. Port of Astoria Commission
11. Columbia River Keeper
12. Oregon Dept of State Lands
13. Oregon Dept. of Human Services (health)
14. Oregon Dept. of Fish and Wildlife
15. Salmon for All
16. Columbia Land Trust
17. Clatsop Soil and Water Conservation District
18. Northwest Power and Conservation Council
19. Bonneville Power Administration
20. Private Residences near Astoria Marine

Federal Agencies, Trustees and Tribal Governments:

1. Army Corps of Engineers (Portland District)
2. Chinook Tribe
3. Clatsop-Nehalem Confederated Tribes
4. Cowlitz Tribe
5. Confederated Tribes of the Grand Ronde
6. National Marine Fisheries Service
7. National Oceanic and Atmospheric Administration
8. Nez Perce Tribe
9. Siletz Tribe
10. Umatilla Tribe
11. U.S. Fish and Wildlife Services
12. National Park Service (Fort Clatsop National Memorial)
13. Warm Springs Tribe
14. Yakama Nation

Legislative:

1. State Senator Betsy Johnson
2. State Representative Deborah Boone
3. U.S. Senator Ron Wyden
4. U.S. Senator Jeff Merkley
5. U.S. Representative Susan Bonamici

Media:

1. Local newspaper – Daily Astorian
2. Local radio – KAST, KMUN (local public radio station)
3. State radio – Oregon Public Broadcasting

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Community Involvement Action Plan / Priorities for 2012

General:

- a. Maintain lines of communication with the community and stakeholder group members
- b. Update DEQ mailing lists for notifications and important documents.
- c. Started planning for initial kick-off and then periodic community meetings.

January – March 2012

Significant milestones completed:

- a. Identify initial contacts with City and County government, local community groups, and other potential local or regional stakeholder groups to raise awareness of Community Involvement Plan and solicit ideas for interacting and informing the community.
- b. Establish a list of organizations and individuals who will be contacted during implementation of remedial investigation and activities.
- c. Draft Community Involvement Plan and share/coordinate with EPA Region 10.

April-June 2012

Significant Community involvement milestones completed:

- a. DEQ sends out Community Acceptance letter to primary community organizations and members. Conversations with community members will be used to inform development of the Community Involvement Plan.
- b. After Community Acceptance responses are received, DEQ will share a draft of the Community Involvement Plan with Community and Stakeholders, and solicit further conversations on how best to proceed.
- c. Finished initial contact list for important notifications through mail and email.
- d. Established DEQ Astoria Marine Construction website.
- e. Finalize draft Community Involvement plan and held meeting with community on June 26th.
- f. Determine if a formal community group is an appropriate vehicle for involving and informing the community. DEQ does want to know if community members may need financial assistance to support some independent technical review and support.

Project Milestones:

- a. DEQ-Astoria Marine Construction Company Order on Consent for Remedial Investigation/Feasibility Study finalized and signed.
- b. Establish Memorandum of Understanding with each participating Tribe.
- c. First meeting and presentation to community.

July-September 2012

Significant Community involvement milestones anticipated:

- a. Finalize Community Involvement Plan based community feedback and input.
- b. Complete DEQ and Tribal Government-to-Government Memorandums of Understanding.
- c. Initial formation of Community Advisory Group.
- d. Possible Community site visit [NOTE: Before conducting such a visit, DEQ would need to seek permission of the owner.]

Project Milestones:

- a. Finalize Deferral Agreement and complete Deferral process with EPA.
- b. Initial draft of Remedial Investigation Proposal, followed by a Remedial Investigation/Feasibility Study Work Plan submitted to DEQ.
- c. Remedial Investigation/Feasibility Study Work Plan approved by DEQ.
- d. Initiation of field activities for Remedial Investigation.

October-December 2012

Significant Community Involvement milestones anticipated:

- a. Review of draft Remedial Investigation report.
- b. Community group meeting with presentation of summary of Remedial Investigation results

Project Milestones:

- a. Remedial Investigation/Feasibility Study field work started.
- b. Initial report of field results from Remedial Investigation.

With all milestone activities:

- a. Update information repositories
- b. Update Astoria Marine contact list
- c. Update Astoria Marine web site and add technical documents section
- d. News releases
- e. Respond to incoming requests for information and presentations
- f. Fact sheets

As needed

- a. Update information repositories
- b. Update Astoria Marine contact list
- c. Update Astoria Marine website and add technical documents section
- d. News releases
- e. Respond to incoming requests for information and presentations
- f. Fact sheets
- g. Share technical documents with CAG and post to website

Ongoing Community Involvement Activities

Fact Sheets: DEQ will issue topic specific fact sheets about cleanup activities, significant milestones in the investigation, technical information, and project findings. Fact sheets will be mailed to the AMCC contact list, and be posted on the DEQ Astoria Marine Construction Company Web page.

Mass Media: When appropriate, DEQ will issue press releases to inform the news media of major events and items of general public interest. DEQ will also respond to incoming inquiries for information from the press.

Meetings: The DEQ Project manager and community group members will be available to attend regularly scheduled meetings of community groups and neighborhood associations upon request.

Open Houses and Workshops: The DEQ Project manager and designated community action group members will consider whether there is community interest in holding open houses and workshops to make information widely available at significant milestones in the investigation and cleanup process.

Project Mailing List: DEQ will maintain and regularly update the Astoria Marine contact list to make sure stakeholders and neighbors receive information about the site. To get on the contact list, send a request by email, phone or mail to Chuck Harman at DEQ.

Information Repositories: DEQ will provide all significant documents and information on our web site. In order to allow access to persons that do not have access to computer information systems, DEQ will also establish hard copies of important information and documents at the Astoria library. Information may also be requested from DEQ's Northwest Region office.

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Web Sites: DEQ will maintain a project web site where most publicly available information about the project can be viewed.

Informal Public Review: DEQ will ensure interested stakeholders have access to draft documents and will provide reasonable review times. The community will provide their comments back to DEQ in a reasonable timeframe. These comments will be shared with the DEQ project team, and then placed in the administrative record, but they may not receive a written response from DEQ.

Formal Public Comment Opportunity: Official public comment periods will be established and advertised as required by Oregon Cleanup Law when the Remedial Investigation and Feasibility Study is completed and the proposed remedial action plan is issued. Opportunity to comment will be provide

Technical Assistance: Community members may need technical assistance to interpret, understand and provide input on some of the technical details inherent in remedial investigations and actions. If community members request technical assistance, DEQ will identify available services or resources to ensure all who wish have the tools to understand and interact in the cleanup process. If the community decides that it would like to retain an independent technical consultant (or equivalent) DEQ will work to find funding, if needed to support such assistance.

Citizens Advisory Groups: If formed, an Astoria Marine Community Advisory Group can be a conduit for information between project managers and the community. During initial conversations and meetings, DEQ will identify key community officials or organizations that can lead a discussion about gauging interest in forming a more formal advisory group.

Outreach to targeted populations: In addition to measures outlined elsewhere in this document, special efforts may be taken to reach the following parts of the affected Community:

Subsistence anglers: Work with community groups and agencies to communicate with subsistence fishing populations who may be at additional risk.

Recreational users: The Oregon Department of Human Services generally takes on communications and warnings for recreational users and DEQ will work with DHS not develop messages. DHS will develop messages and determines locations for informational signing in locations such as boat launches and community parks. Have interagency information booths or displays at boat and fishing shows and other local events.

Non-English speaking: EPA will translate information into other languages if there is sufficient need and interest.

Tribal populations: DEQ will work with each Tribal government interested in the AMCC site to identify the specific information and education needs for Tribal members. DEQ will solicit Tribal review at important milestones in the investigation and cleanup of the site, likely concurrently with the CAG and other stakeholders.

Contact Information

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Attachment A

ASTORIA MARINE CONSTRUCTION COMPANY

OUTLINE OF IMPORTANT PROJECT STAGES AND OPPORTUNITIES FOR INVOLVEMENT

The following presents an outline of the important stages and decision points that would occur during an Oregon DEQ-lead cleanup project that includes a remedial investigation, feasibility study and remedial action implementation. This outline provides important information to parties that may want to be informed and potentially involved with DEQ as a cleanup project proceeds at the Astoria Marine Construction Company site. This outline represents the expected project stages in anticipation of the AMCCO site being deferred to the Oregon DEQ from EPA through a National Priorities List Deferral Agreement.

This outline was developed from DEQ's standard scopes of work for the remedial investigation and feasibility study, plus remedial action stages. No investigation or remedial work would proceed without DEQ approval under the terms of the Consent Order that will be put in place to satisfy the NPL Deferral requirements.

Project Milestone or Document & Content	Timing/Sequence
Community Acceptance Letter - Letter asking for community's input on whether NPL Deferral should occur.	Action to satisfy NPL Deferral requirements and prior to Deferral from EPA.
Community Involvement Plan - Description of how DEQ will involve public and major stakeholders	Prior to Deferral Agreement from EPA
Project Kickoff Meeting (public) - Introductions of primary contacts and stakeholders - Project Description - Project Plan and timeline - Community Involvement Plan - DEQ and Tribes Coordination	After Consent Order with DEQ is signed. Likely completed before a Deferral Agreement between EPA and DEQ is finalized.
Remedial Investigation Proposal - Summary document that outlines the tasks that will be completed in the remedial investigation	Pre-cursor to full Remedial Investigation Plan submittal.
Remedial Investigation Work Plan - Detailed Work Plan for data collection to determine the nature and extent of contamination and to complete a risk assessment. - Evaluation of contaminant exposure pathways and receptors. - Evaluation of beneficial uses of land and water in area impacted by contamination.	Prior to implementation of Remedial Investigation. Requires DEQ approval before sampling can occur.
Remedial Investigation Implementation (2-3 months) - Monthly updates on work completed. - Some site visits	After approval of Remedial Investigation Work Plan
Remedial Investigation Report (draft) - Draft report that presents remedial investigation results. - Finalized after community comments are reviewed.	After completion of remedial investigation and prior to completion of risk assessment and feasibility study
Supplemental Remedial Investigation Work Plan (if needed) - If remedial investigation finds that additional data collection is necessary, additional work will be proposed.	After review of remedial investigation report, if findings indicate further sampling is needed to fill data gaps.
Human Health Risk Assessment Report - Analysis of human health threat.	As part of final Remedial Investigation and before Feasibility Study
Ecological Risk Assessment Report - Analysis of threat to ecological species.	As part of final Remedial Investigation and before Feasibility Study

Project Milestone or Document & Content	Timing/Sequence
Interim Removal Assessment Report <ul style="list-style-type: none"> - Analysis to determine if immediate removal actions are needed to reduce significant site risks. - Recommends if removal is needed. 	Following Remedial Investigation and risk assessments.
Interim Removal Work Plan (if needed) <ul style="list-style-type: none"> - Description of removal actions proposed, site controls and post-removal restoration. 	Following Remedial Investigation and risk assessments – if it is determined that an interim removal action is needed.
Feasibility Study <ul style="list-style-type: none"> - Analysis of a range of remedial action alternatives that will remove human health and ecological risks - AMCCO will propose one of the remedy alternatives or a combination of the evaluated alternatives. 	Following Remedial Investigation and risk assessments.
Record of Decision or ROD (DEQ) <ul style="list-style-type: none"> - DEQ's documentation of selected remedy, based on alternatives evaluated and proposed in Feasibility Study. - Selected DEQ remedy could be similar to AMCCO proposal or combination of alternatives. - Record of Decision will go out for public comment. - Record of Decision will be finalized after public comment. 	Following submittal of Feasibility Study
Order on Consent for Remedial Action (DEQ)	Following DEQ Record of Decision
Remedial Action Work Plan <ul style="list-style-type: none"> - Detailed plan for remedial actions based on ROD. 	Following Record of Decision
Remedial Action Implementation (4-6 months) <ul style="list-style-type: none"> - Site preparation and implementation of remedial actions. - Weekly updates and some site visits. 	Following approval of Remedial Action Work Plan
Remedial Action Completion Report <ul style="list-style-type: none"> - Description of actions taken and any modifications necessary during implementation. 	Following completion of remedial actions.
Operation, Maintenance and Monitoring Plan <ul style="list-style-type: none"> - Description of any ongoing maintenance or due care needed to maintain remedy. - Description of periodic monitoring of remedy (e.g. cap inspection – if part of remedy) and reporting schedule. 	Originally outlined in Record of Decision. Following completion of remedial actions.
Certificate of Completion (DEQ)	After acceptance of remedial action completion report and Operation, Maintenance and Monitoring Plan.
Order on Consent Closed (DEQ)	